IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE PIUS C.KURIAKOSE

TUESDAY, THE 16TH OCTOBER 2007 / 24TH ASWINA 1929

WP(C).No. 17428 of 2007(Y)

PETITIONER:

JANARDANAN, AGED 65, S/O.MANIKUTTY,
MANAKADAN HOUSE, PULLUR VILLAGE DESOM,
MUKUNDAPURAM TALUK, THRISSUR DISTRICT.

BY ADV. SRI.G.SREEKUMAR (CHELUR)

RESPONDENTS:

1.THE SECRETARY,MURIYAD GRAMA PANCHAYATH,
REPRESENTED BY ITS SECRETARY, MURIYAD,
THRISSUR DT.

2.THE ADDL.TAHSILDAR, MUKUNDAPURAM
TALUK OFFICE, IRINJALAKKUDA, THRISSUR DIST.

3.THE STATE OF KERALA REPRESENTED BY THE
SECRETARY TO THE GOVERMENT, LOCAL SELF
GOVERNMENT DEPARTMENT, SECRETARIAT,
THIRUVANANTHAPURAM.

*ADDL.R4. P.K.KOCHAKEN, PANAMATH VALLAPPIL,
P.O.PULLOOR, MULLAYKADA, THRISSUR DISTRICT.

*ADDL.R5. K.O.PAULOSE, KORATH HOUSE, P.O.PULLOOR,
MULLAYKADA, THRISSUR DISTRICT.

*ADDL.R4 AND R5 ARE IMPLEADED AS PER THE ORDER DATED
10.7.2007 IN I.A.NO.9178 OF 2007.

R4-R5 BY ADV. SRI.RAJESH CHAKYAT
R1 BY ADV.SRI.P.NARAYANAN KUTTY
SRI.KRISHNA PRASAD. S
R2-R3 BY GOVT. PLEADER MR.K.J.MOHAMMED ANZAR

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 16/10/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX(WPC 17428/07)

PETITIONER'S EXTS.:

EXT.P1: TRUE COPY OF THE PURCHASE CERTIFICATE NO.127/89 DATED 14.6.89 OF THE IRINJALAKUDA LAND TRIBUNAL.

EXT.P2: TRUE COPY OF THE COMMUNICATION BY THE SECOND RESPONDENT DATED 17.8.2006.

EXT.P3: TRUE COPY OF THE COMMUNICATION BY THE FIRST RESPONDENT DATED NIL.

EXT.P4: TRUE COPY OF THE REQUEST OF THE PETITIONER BEFORE THE FIRST RESPONDENT DATED 11.5.2007.

PIUS C. KURIAKOSE,J.

- -

W.P.(C) No.17428 of 2007

- -

Dated: 16th October, 2007

JUDGMENT

The grievance of the petitioner who wanted to construct a compound wall on the boundary of his property is that the 1st respondent by Ext.P3 stayed the work of construction of the boundary wall on the reason that a puramboke thodu has also been included within the property sought to be enclosed by the wall. Ext.P2 will show that resurvey is already completed. Ext.P4 application/objection submitted by the petitioner to the Secretary of the 1st respondent-Panchayat is yet to be finalised by the 1st respondent. Mr.G.Sreekumar(Chelur), counsel for the petitioner submits that whether there is attempt on the part of the petitioner to encroach any puramboke can be found out by the 1st respondent in consultation with the 2nd respondent. Together they will be able to determine whether any puramboke has been encroached or whether there is any attempt for encroachment within the property of the petitioner. Counsel for additional respondents 4 and 5 sought for time to produce documents. But in the nature of the decision which is being taken, I am not inclined to grant time. Since it is somewhat clear that the resurvey is over, there will be a direction to

respondents 1 and 2 to demarcate the property belonging to the petitioner on the basis of the resurvey records and take a final decision on Ext.P4 after hearing the petitioner and also additional respondents 4 and 5. Once final decision is taken, the petitioner shall be permitted to construct the boundary wall on the boundary which is found on demarcation to be the correct boundary of the petitioner's property. Decision as directed above will be taken at the earliest and at any rate within four months of receiving copy of the judgment.

The Writ Petition is disposed of as above.

srd **PIUS C.KURIAKOSE, JUDGE**